

WEDNESDAY, MAY 20, 1981

FIFTIETH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Elder Houston Patrick, Pastor of Macedonia Primitive Baptist Church, Martin, Tennessee.

Representative Frensley led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 97

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

The Speaker announced that Representative Stafford was excused because of illness.

The Speaker announced that Representative Bivens was excused because of illness.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

911—To increase litigation tax, Smith County;

1269—To impose certain privilege tax, Fayette County;

1319—To change tax rate, McKenzie Special School District;

1320—To change tax rate, Trezevant Special School District;

1324—To increase tax, South Carroll Special School District;

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1326—To provide for jurisdiction, Mayor's Court, Ridgely;

1327—To make certain provisions, Atwood Special School District;

1328—To reenact Charter, Rives;

1329—To set compensation, certain officials, Sharon;

1331—To amend Charter, Hollow Rock;

1339—To create Board of Highway Commissioners, Cocke County; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.

997—"General Appropriations Bill"; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No.

231—Relative to speedy recovery, Brenda Turner; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 54, 911, 1269, 1319, 1320, 1324, 1326, 1327, 1328 and 1329; and House Joint Resolution No. 231; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 54, 911, 1269, 1319, 1320, 1324, 1326, 1327, 1328 and 1329; and House Joint Resolution No. 231.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 355, 429, 640, 815, 878 and 1205 with his approval.

JULIA GIBBONS,
Counsel to the Governor.

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MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 396, 929, 970, 971, 1107 and 1270 with his approval.

JULIA GIBBONS,
Counsel to the Governor.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to request the return of Senate Bills Nos. 1354 and 1355, for further consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

On motion of Mr. Tanner, House Bills Nos. 1354 and 1355 were returned to the Senate as requested.

UNFINISHED BUSINESS

FURTHER CONSIDERATION OF AMENDED BILL

House Bill No. 71—To make certain provisions, awards of public contracts.

Mr. Buck moved that the House refuse to recede from its action in nonconcurring in Senate Amendments Nos. 1, 2, 3 and 9 to House Bill No. 71, which motion prevailed.

Mr. Buck moved that the Speaker appoint a Conference Committee to meet with a like committee from the Senate to resolve the differences between the House and Senate on House Bill No. 71, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed Representatives King (Washington), Murphy (Davidson) and Buck as the Conference Committee on House Bill No. 71.

FURTHER CONSIDERATION OF AMENDED BILL

Senate Bill No. 191—to amend Title 6, Chapter 51, Code.

Mr. Owen moved that the House refuse to recede from its action in adopting Amendments Nos. 1, 2, 3, 7, 8, 9, 11, 12, 13 and 14 to Senate Bill No. 191, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 224—To establish minimum age requirements, city legislation body members.

SENATE AMENDMENT NO. 1

Amend House Bill No. 224 by adding a new sentence to read as follows: "The provisions of this act shall not apply to any county with a metropolitan form of government."

Mr. Hudson moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 228—to allow expungement of divorce records.

SENATE AMENDMENT NO. 1

Amend House Bill No. 228 by deleting the amendatory language of Section 1 and substituting in lieu thereof the following:

Parties to any divorce proceeding who have reconciled and dismissed their cause of action, may thereafter file an agreed sworn petition signed by both parties and notarized, requesting expungement of their divorce records. Upon the filing of such petition, the judge shall issue an Order directing the clerk to expunge all records pertaining to such divorce proceedings, once all court costs have been paid.

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by adding the following:

The clerk shall receive a fee of fifty dollars (\$50.00) for performing his duties under this act.

Mr. Murphy (Davidson) moved that the House concur in Senate Amendment No. 1, as amended, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

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A motion to reconsider was tabled.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 239

Mr. Speaker:

We, the members of your conference committee on Senate Bill 239, House Bill 24, recommend that the House recede from its position on amendment number 2 and adopt amendments number 1 and 4 and that Section 1 of the bill be amended to read as follows:

SECTION 1. Tennessee Code Annotated, Section 38-607 is amended by deleting in the fifth line after the word "of" the words and figures:

"seventy-two (72) hours from the date of said purchase"

and by substituting in lieu thereof the following new words and figures:

"five (5) days from the date of said purchase, excepting where such antique, used or scrap jewelry or precious metal is acquired as many as two (2) days prior to a Saturday and Sunday which is immediately preceded or followed by a holiday, in which case the period shall be five (5) days exclusive of such holiday, Saturday and Sunday".

Sen. L. C. Dunavant

Sen. Tommy Burks

Rep. U. A. Moore

Rep. James R. McKinney

Sen. Robert O. Burleson

Rep. Elbert T. Gill

Mr. Moore moved that the Report of the Conference Committee on Senate Bill No. 239 be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF AMENDED BILL

Senate Bill No. 420—To amend certain regulations, Department of Safety.

Mr. Davidson moved that the House refuse to recede from its action in adopting Amendment No. 1 to Senate Bill No. 420, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 432—To provide for licensing, certain counseling services.

SENATE AMENDMENT NO. 2

Amend House Bill No. 432 by adding a new subsection (c) to Section 1:

(e) by adding the following new sentence to subparagraph (1):

This term also excludes facilities operated by sheriff's departments.

Mr. Wheeler moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—93.

Representative present and not voting was: Spence—1.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 443—To amend Section 8-7-201, Code.

SENATE AMENDMENT NO. 1

Amend House Bill No. 443 by inserting the following new Section 2 and renumbering the remaining section accordingly:

SECTION 2. Tennessee Code Annotated, Section 8-7-201 (b) is hereby amended by adding to the end of paragraph (7) the following sentence:

Any assistant district attorney general who has previous experience with the Tennessee Toxicology Laboratory and/or the Tennessee Crime Laboratory shall receive full credit for such experience.

Mr. Burnett moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

Representative present and not voting was: Spence—1.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 479—To amend Section 24-5-113, Code.

SENATE AMENDMENT NO. 2

Amend House Bill No. 479 by deleting the bill in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 24-5-113, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) Proof in any civil action that medical, hospital, or doctor bills were paid or incurred because of any illness, disease, or injury may be itemized in the complaint with a copy of bills paid or incurred attached as an exhibit to the complaint or civil warrant. The bills itemized and attached as an exhibit shall be prima facie evidence that the bills so paid or incurred were necessary and reasonable.

Sub-section (b) would be deleted in its entirety and the following substituted:

(b) This section shall apply only in personal injury actions brought in any court by injured parties against the persons responsible for causing said injuries.

Sub-section (c) would be deleted in its entirety and the following substituted:

(c) This prima facie presumption shall apply to the medical, hospital, and doctor bills itemized with copies of bills attached to the complaint or civil warrant provided the total amount of said bills do not exceed the sum of \$2,500.00.

AMENDMENT NO. 1 TO AMENDMENT NO. 2

by adding in Section 1, paragraph (a) line three, immediately following the word "complaints" the following words: "or civil warrant".

Mr. Buck moved that the House concur in Senate Amendment No. 2, as amended, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF SENATE BILL NO. 665

Senate Bill No. 665—To amend Emergency Medical Services Act.

Mr. McNally moved that the motion to reconsider Senate Bill No. 665 be lifted from the table, which motion prevailed.

Mr. McNally moved that the House reconsider its action in passing Senate Bill No. 665 on third and final consideration, as amended, which motion prevailed.

Mr. McNally moved that the House reconsider its action in adopting Amendments Nos. 1 and 2, which motion prevailed.

Mr. McNally moved that Amendments Nos. 1 and 2 be withdrawn, which motion prevailed.

Thereupon, Senate Bill No. 665, passed its third and final consideration by the following vote:

Ayes	74
Noes	19
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DePriest, Disspayne, Duer, Ellis, Ford, Frensley, Gaia, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McNally, Martin, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Percy, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Withers, Wix, Wood, Work and Yelton—74.

Representatives voting no were: Bell (Wilson), Bewley, Cobb, Covington, Davis (Pickett), Dills, Duncan, Harrill, Kernell, McKinney, Miller, Owen, Phillips, Richardson, Spence, Stallings, Whitson, Wolfe, Mr. Speaker McWherter—19.

Representative present and not voting was: Gill—1.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 716—To make certain provisions, child custody proceedings.

SENATE AMENDMENT NO. 2

Amend House Bill No. 716 by deleting Section 1 in its entirety and substituting instead:

Section 1. Tennessee Code Annotated, Section 36-1302 (3) is amended by adding the following words and numerals after the numeral "37": "except proceedings to determine custody pursuant to Tennessee Code Annotated, Section 37-204 (a) (2) and pursuant to Section 37-203 (a) (1) as to dependent and neglected children when an original party or person acting as a parent files the petition or when the petition involves facts arising from another state;"

Mr. Davis (Hamilton) moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF AMENDED BILL

Senate Bill No. 753—To amend Section 47-9-107, Code.

Mr. Rhinehart moved that the House refuse to recede from its action in adopting Amendment No. 1 to Senate Bill No. 753, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 892—To amend Title 67, Chapter 5, Code.

SENATE AMENDMENT NO. 1

Amend House Bill No. 892 by adding a new Section, as follows, immediately before the last section of the act and renumbering that section accordingly:

SECTION—. Tennessee Code Annotated, Section 67-514, is amended by adding a new subsection thereto, as follows, to follow those added by Section 1 of this act and to be lettered appropriately:

() A bookstore, owned by a college or university, located on the campus of the owning institution, and operated not-for-profit to furnish students at that institution with text books and other ancillary required materials be exempt from taxation, even though the bookstore may sell other items of a souvenir nature such as wearing apparel, glasswear, and china embossed with the name, seal or logo of the institution or items such as toiletries or stationary supplies for the convenience of students.

SENATE AMENDMENT NO. 5

Amend House Bill No. 892 by adding in section (b), following the word "a" and before the word "college," the word "non-profit."

SENATE AMENDMENT NO. 8

Amend House Bill No. 892 by adding the following section immediately before the last section and renumbering the subsequent section accordingly:

Section—. The provisions of this act shall not apply to any institution in any county having a population of not less than 254,000 nor more than 255,000 according to the 1970 federal census or any subsequent federal census.

SENATE AMENDMENT NO. 9

Amend House Bill No. 892 to add a new section to read as follows:

SECTION (). If any provision of this act or application of it to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Mr. Smith moved that the House concur in Senate Amendments Nos. 1, 5, 8 and 9, which motion prevailed by the following vote:

Ayes	92
Noes	3

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePrist, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), Lashlee, Love, Lowe, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWhorter—92.

Representatives voting no were: Covington, McAfee and Spence—3.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 926—To define aggravated kidnapping.

SENATE AMENDMENT NO. 1

Amend House Bill No. 926 by adding to the third line of paragraph (a) of the amendatory language of Section 1, immediately after the words "to be confined secretly," the words "against his will".

FURTHER AMEND Senate Bill 60, HB926, by deleting in its entirety the language of paragraph (b) of the amendatory language of Section 1 and substituting the following:

A confinement, detention or moving of the victim is deemed to be against the will of the victim if:

- (1) The victim is under thirteen (13) years of age; or
- (2) The victim by reason of age, mental disease or defect, or intoxication by drugs or alcohol, is manifestly unable, or known by the person alleged to have violated this Section to be unable, to make a reasonable judgment as to the nature or harmfulness of the confinement, detention or moving; or
- (3) Assent to the confinement, detention or moving is induced by force, threat or deception; and, with respect to (1) and (2),
- (4) The confinement, detention or moving is accomplished without the effective consent of the victim's custodial parent, guardian or person acting in loco parentis to the victim, provided, however, that the confinement, detention or moving of a child by a parent shall not constitute aggravated kidnapping.

Mr. Davis (Hamilton) moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	91
Noes	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Brewer, Buck, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—91.

Representative voting no was: Spence—1.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 958—To clarify rules of appellate procedures.

SENATE AMENDMENT NO. 1

Amend House Bill No. 958 by deleting in its entirety Subsection (11) of Section 1; it being the legislative intent to preserve the writ of error as provided in Chapter 6, Title 27,

Tennessee Code Annotated; and renumbering the remaining subsections accordingly.

SENATE AMENDMENT NO. 2

Amend House Bill No. 958 by deleting in its entirety Subsection (15) of Section 2; it being the legislative intent to preserve the writ of error as provided in Chapter 6, Title 27, Tennessee Code Annotated; and renumbering the remaining subsections accordingly.

SENATE AMENDMENT NO. 4

Amend House Bill No. 958 by inserting after the figures “27-3-130” and before the word “dealing” in the third line of Subsection (10) of Section 1 the following:

“except Section 27-3-128”;

and by changing the period at the end of said subsection to a semicolon and adding the following:

“it being the legislative intent to preserve the broad authority to remand for correction of record as provided in said Section 27-3-128”.

Mr. McKinney moved that the House concur in Senate Amendments Nos. 1, 2 and 4, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1035—To make certain provisions, diesel fuel.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1035 by adding a new paragraph at the end of the amendatory language of Section 1, as follows:

The schedule of fees set out above is based on a tax on motor vehicle fuel, pursuant to §67-3703(a), at the rate of eight cents (8¢) per gallon. If such rate of tax on motor vehicle fuel is changed, the fees set out above shall be adjusted accordingly by the commissioner by dividing the fees set out above by eight (8) and multiplying the resulting figure by the new rate of tax on motor vehicle fuel. All fees adjusted in that manner shall be rounded off to the nearest fifty cents (50¢).

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Mr. Davis (Gibson) moved that the House non-concur in Senate Amendment No. 1, which motion prevailed.

FURTHER CONSIDERATION OF AMENDED BILL

Senate Bill No. 502—To amend Section 45-5-503, Code.

Mr. Rhinehart moved that the House refuse to recede from its action in adopting Amendments Nos. 1 and 2 to Senate Bill No. 502, which motion prevailed.

FURTHER CONSIDERATION OF AMENDED BILL

Senate Bill No. 1115—To regulate duties, Industrial Development Authority.

FURTHER CONSIDERATION OF SENATE BILL NO. 1115

Senate Bill No. 1115—To regulate duties, Industrial Development Authority.

Mr. Naifeh moved that the motion to reconsider Senate Bill No. 1115 be lifted from the table, which motion prevailed.

Mr. Naifeh moved that the House reconsider its action in passing Senate Bill No. 1115 on third and final consideration, as amended, which motion prevailed.

Mr. Naifeh moved that the House reconsider its action in adopting Amendment No. 1, which motion prevailed.

Mr. Naifeh moved that Amendment No. 1 be withdrawn, which motion prevailed.

Thereupon, Senate Bill No. 1115, passed its third and final consideration by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—93.

A motion to reconsider was tabled.

On motion, action on House Bill No. 21 was deferred until Thursday, May 21, 1981.

Mr. Ford moved that action on Senate Bill No. 948 be deferred until Thursday, May 21, 1981, which motion prevailed.

Mr. Kernell moved that action on Senate Bill No. 558 be deferred until Thursday, May 21, 1981, which motion prevailed.

Mr. Burnett moved that the rules be suspended for the purpose of introducing House Resolution No. 66 out of order, which motion failed by the following vote:

Ayes	58
Noes	33

Representatives voting aye were: Akard, Bell (Wilson), Bragg, Brewer, Buck, Burnett, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Ellis, Gaia, Gill, Hillis, Hurley, Jared, Johnson, Jones, Kernell, King (Shelby), Lashlee, Love, Lowe, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Shirley, Spence, Stallings, Starnes, Tanner, Wallace, Wheeler, Whitson, Withers, Wix, Work, Yelton and Mr. Speaker McWherter—58.

Representatives voting no were: Baker, Bell (Knox), Bewley, Chiles, Clark (Sumner), Duer, Duncan, Ford, Frensley, Harrill, Henry (Roane), Hudson, Huskey, Kelley, Kent, King (Washington), McAfee, McNally, Martin, Montgomery, Moore, Percy, Robertson, Robinson (Washington), Scruggs, Severance, Shockley, Smith, Sterling, Ussery, Webb, Wolfe and Wood—33.

CONSENT CALENDAR
OBJECTIONS

Objections were filed to the following bills and resolutions on the Consent Calendar:

- Mr. Smith objected to House Bill No. 1340.
- Messrs. Kelley and Lashlee objected to House Bill No. 1342.

Under the rules, 1340 and 1342 were placed at the foot of the Calendar for Thursday, May 21, 1981.

- House Bill No. 1042—To amend Chapter 132, Private Acts of 1969.
- On motion, House Bill No. 1042 was made to conform with Senate Bill No.1065.

On motion, Senate Bill No. 1065, on same subject, was substituted for House Bill No. 1042.

- House Bill No. 1345—To amend Charter, City of Lexington.
- Senate Joint Resolution No. 125—Relative to congratulating Julia Gibbons.
- Senate Joint Resolution No. 126—Relative to honoring Andrew Blevins Rittenberry.
- Senate Joint Resolution No. 129—Relative to honoring Dr. Gene H. Stollerman.

Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley,

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Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

A motion to reconsider was tabled.

Mr. Davis (Hamilton) moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 235 out of order, which motion prevailed.

House Joint Resolution No. 235—Relative to certain rules, Administrative Procedures Act—By Davis (Hamilton).

On motion, the rules were suspended for the immediate consideration of the resolution.

Mr. Davis (Hamilton) moved that House Joint Resolution No. 235 be adopted, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

A motion to reconsider was tabled.

Mr. Cobb moved that the rules be suspended in order to pass House Bill No. 1372 on second consideration, which motion prevailed.

Mr. Cobb moves that House Bill No. 1372 be referred to the Committee on Finance, Ways and Means, which motion prevailed.

Mr. McKinney moved that the House stand in recess until 4:30 p.m., which motion prevailed.

The recess having expired, the House was called to order by Mr. Speaker McWherter.

On motion, the roll call was dispensed with.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.

986—To regulate salaries, certain county officials; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to request the return of Senate Bill No. 1339, for further consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

On motion of Mr. Tanner, Senate Bill No. 1339 was returned to the Senate as requested.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.

109—Relative to building sports arena, Knoxville; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

12—To amend Section 40-2901, Code;

981—To amend Title 39, Chapter 4, Code;

1036—To regulate board of polygraph examiners;

1113—To enact County Correctional Incentives Act; all substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Burnett moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 241 out of order, which motion prevailed.

House Joint Resolution No. 241—Relative to honoring Lewis R. Donelson—By Burnett, Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter.

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On motion, the rules were suspended for the immediate consideration of the resolution.

Mr. Burnett moved that House Joint Resolution No. 241 be adopted, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—91.

A motion to reconsider was tabled.

CALENDAR

Mr. Burnett moved that House Bills Nos. 858, 859 and 860 be placed on the Calendar for Thursday, May 21, 1981, which motion prevailed.

Mr. McKinney moved that House Bills Nos. 1016 and 1015 be placed on the Calendar for Thursday, May 21, 1981 which motion prevailed.

House Bill No. 867—To increase compensation property assessor, certain counties.

Mr. Smith moved that House Bill No. 867 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 867 is amended by deleting the amendatory language of Section 1 in its entirety and substituting instead the following:

(b) During any period of time in which the assessor assumes the duties pursuant to Tennessee Code Annotated, Section 67-680(b) or Section 67-680(d), in addition to the compensation provided in subsection (a) of this section the assessor may receive, subject to the approval of the county legislative body, an additional sum of up to fifteen percent (15%) of such compensation. The compensation permitted by this subsection shall be paid by the county upon approval of the county legislative body by a two-thirds (2/3) vote of its members.

On motion, the amendment was adopted.

Mr. Sterling moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 867 by adding the following language at the end of the amendatory language of Section 1:

Provided, however, this subsection shall not apply to any county having a population of more than six hundred thousand (600,000) according to the 1970 federal census of population, or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Murphy (Shelby) moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 867 by adding the following language as a new paragraph at the end of the amendatory language of Section 1:

The provisions of this subsection shall be applicable in any county having a population of more than six hundred thousand (600,000) according to the 1970 federal census of population or any subsequent federal census upon the approval of four-fifths (4/5) of the county legislative body.

On motion, the amendment was adopted.

Mr. McAfee moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 867 by adding the following at the end of the amendatory language in Section 1:

The provisions of this subsection shall not apply in any county having a population of not less than 275,000 nor more than 300,000 according to the 1980 federal census of population or any subsequent federal census of population.

On motion, the amendment was adopted.

Mr. Smith moved to amend as follows:

AMENDMENT NO. 5

Amend House Bill No. 867 by adding a new section:

SECTION . The provisions of this act are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional or void, the remainder of this act shall continue in full force and effect, it being the legislative intent that this act would have been passed even if such unconstitutional or void matter had not been included herein.

On motion, the amendment was adopted.

Thereupon, House Bill No. 867, as amended, passed its third and final consideration by the following vote:

Ayes	79
Noes	14
Present and not voting	1

Representatives voting aye were: Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Disspayne, Duer, Duncan, Ellis, Ford, Frensey, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis,

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Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Shelby), Lashlee, Love, Lowe, McKinney, McNally, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Sterling, Tanner, Turner, Ussey, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work, and Mr. Speaker McWherter—79.

Representatives voting no were: Akard, Byrd, Cobb, DeBerry, Dills, Gaia, Jones, Kernell, McAfee, Montgomery, Robinson (Washington), Spence, Wood and Yelton—14.

Representative present and not voting was: Martin—1.

A motion to reconsider was tabled.

Mr. Brewer moved that House Bill No. 222 be placed on the Calendar for Thursday, May 21, 1981, which motion prevailed.

House Bill No. 439—To enact the Commission on Aging Act.

On motion, House Bill No. 439 was made to conform with Senate Bill No. 382.

On motion, Senate Bill No. 382, on same subject, was substituted for House Bill No. 439.

Mr. Davis (Hamilton) moved that Senate Bill No. 382 be passed on third and final consideration.

Mr. Spence moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 382 by deleting each and every section of Senate Bill 382 and substituting instead new sections 1 through 11, namely:

Sections 1 through 11 of House Bill No. 439 as introduced on February 5, 1981; printed and distributed as Senate Bill No. 382; and considered to be part of this amendment.

FURTHER AMEND by adding the following section 12:

Section 12. This act shall take effect on July 1, 1981, the public welfare requiring it, and shall be repealed on June 30, 1982.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 382, as amended, passed its third and final consideration by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Sever-

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ance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

A motion to reconsider was tabled.

House Bill No. 332—To make certain provisions, nursing home administrators.

On motion, House Bill No. 332 was made to conform with Senate Bill No. 511.

On motion, Senate Bill No. 511, on same subject, was substituted for House Bill No. 332.

Mr. Bragg moved that Senate Bill No. 511 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

A motion to reconsider was tabled.

House Bill No. 955—To make certain provisions, teachers.

On motion, House Bill No. 955 was made to conform with Senate Bill No. 1174.

On motion, Senate Bill No. 1174, on same subject, was substituted for House Bill No. 955.

Mr. Bragg moved that Senate Bill No. 1174 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1174 by deleting Section 1 in its entirety and substituting instead the following new Section 1.

“SECTION 1. The provisions of Tennessee Code Annotated, Section 8-34-609 are repealed for all teachers who leave teaching service after June 30, 1981; provided however, that the rights of any former teacher who is eligible for the creditable service pursuant to Tennessee Code Annotated, Section 8-34-609 are preserved and for such teachers the section remains effective.”

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1174, as amended, passed its third and final consideration

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by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

A motion to reconsider was tabled.

House Bill No. 983—To consolidate certain litigation taxes.

Mr. Bragg moved that House Bill No. 983 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 983 in Section 1 subsection (e) by recaptioning subsection (e) to read "Liability of Clerks for Uncollected Taxes". Section 1 subsection (e) is further amended in (1) by adding the word "clerk." after the phrase "shall be a debt of the" in the first sentence and by deleting the remainder of the paragraph.

Section 1 (e)(1) is further amended in paragraph (A) by deleting the word "city" at the end of the paragraph and substituting the word "clerk".

Section 1 (e)(1) is further amended by deleting paragraph (C) in its entirety.

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 983 by renumbering the present Section 13 as Section 14 and renumbering the remaining sections accordingly and by adding a new Section 13 which shall provide as follows:

"Section 13. It is the expressed intent of the legislature that counties and municipalities shall continue to have the authority to levy a local litigation tax and that no provision of this act shall be construed to limit or repeal such authority."

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 983 by adding a Section, which shall read as follows:

SECTION . Tennessee Code Annotated, Section 67-4307, is amended by substituting for the third sentence thereof, the following:

Each local collector, except the clerks of the several courts of the state, shall make a report each month to the commissioner of revenue, giving the name of each delinquent taxpayer in his jurisdiction and the amount of taxes due from the taxpayer and his reason for not having collected it. The clerks of the several courts of the state shall make a report each month to the commissioner of revenue, giving the name of each taxpayer, delinquent in the payment of the privilege tax on litigation, against whom an execution or distress warrant for such taxes has been issued, and which execution or distress warrant has been returned nulla bona, and giving the amount of such tax still owing.

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 983 by deleting paragraph (3) of subsection (e) of the amendatory language of Section 1 and substituting in lieu thereof the following:

(3) If the judge of any court suspends, releases, waives, remits or orders the clerk of the court not to collect any privilege tax on litigation, or in any other manner releases any party from liability for any privilege tax on litigation, the clerk of the court shall immediately report such suspension, release, waiver, remission, or order to not collect such tax, to the department of revenue in such manner as shall be prescribed by the department of revenue, and the commissioner of revenue or his delegate shall immediately, upon receipt of such a report from any clerk of a court, present such information to the court of the judiciary, which court shall take appropriate action pursuant to Chapter 5 of Title 17, Tennessee Code Annotated. The commissioner of revenue, or his delegate, shall also report such information to the council on pensions and retirement.

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 5

Amend House Bill No. 983 by substituting for the amendatory language of Section 1, "fifteen dollars and seventy five cents (\$15.75)" appearing in paragraph (2) of subsection (a), the following:

fifteen dollars (\$15)

and further amend by inserting language in the amendatory language of SECTION 1, following paragraph (3) of subsection (b) thereof, and preceding subsection (c) thereof, which shall read as follows:

(4) Any moneys collected by the clerk of the court pursuant to paragraph (1) of subsection (b) of this Item for the payment of the privilege tax on litigation imposed pursuant to this Item or pursuant to §40-3207, shall be equally divided between the two privilege taxes and paid and reported to the department of revenue in such manner. At such time as the amount owed for either tax is fully paid, any additional money collected shall be paid and reported for the purpose of extinguishing the remaining tax on litigation.

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and further amend by substituting for the amendatory language of Section 1, "Ten and nine-tenths percent (10.9%)" in paragraph (3) of subsection (f), the following:

Eleven and thirty-one hundredths percent (11.31%)

and further amend by substituting for the amendatory language of Section 1, "Two and sixty-seven hundredths percent (2.67%)" appearing in paragraph (4) of subsection (f), the following:

Two and seventy-seven hundredths percent (2.77%)

and further amend by substituting for the amendatory language of Section 1, "Forty and fifteen hundredths percent (40.15%)" appearing in paragraph (5) of subsection (f), the following:

Forty-one and sixty-six hundredths percent (41.66%)

and further amend by substituting for the amendatory language of Section 1, "Eleven and eighty-one hundredths percent (11.81%)" appearing in paragraph (6) of subsection (f), the following:

Twelve and twenty-six hundredths percent (12.26%)

and further amend by substituting for the amendatory language of Section 1, "Twenty-three and twenty-seven hundredths percent (23.27%)" appearing in paragraph (7) of the subsection (f), the following:

Twenty-four and fourteen hundredths percent (24.14%)

and further amend by deleting paragraph (1) of subsection (f) of the amendatory language of Section 1, in its entirety and renumbering.

and further amend by deleting SECTIONS 6, 7, 8, 9, 10, 11, and 18, in their entirety.

On motion, the amendment was adopted.

Thereupon, House Bill No. 983, as amended, passed its third and final consideration by the following vote:

Ayes	92
Noes	0
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

Representatives present and not voting were: Murphy (Shelby) and Wix—2.

A motion to reconsider was tabled.

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House Bill No. 1146—To amend Sections 8-24-101, 8-24-102 and 8-24-104, Code.

On motion, House Bill No. 1146 was made to conform with Senate Bill No.986.

On motion, Senate Bill No. 986, on same subject, was substituted for House Bill No. 1146.

Mr. McKinney moved that Senate Bill No. 986 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 986 by deleting Sections 1, 2, 3, and 4, in their entirety, and substituting instead the following language, renumbering subsequent sections accordingly:

SECTION 1. Tennessee Code Annotated, Section 8-24-102, is amended by adding the following language as a new subsection to be appropriately designated:

() For the twelve (12) month period beginning September 1, 1981, the compensation for each officer pursuant to this section shall be increased at a rate equal to the percentage rate increase for salaries of state employees for the 1981-82 fiscal year. Any increase in expenditures by county resulting from the increase authorized herein shall be appropriated from funds that the county receives from the state government that are not earmarked by statute to be spent for a particular purpose.

Mr. Miller moved that Amendment No. 1 be withdrawn, which motion prevailed by the following vote:

Ayes	60
Noes	23
Present and not voting	7

Representatives voting aye were: Akard, Bell (Knox), Bell (Wilson), Bewley, Bragg, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Ford, Frensley, Gill, Harrill, Henry (Blount), Hillis, Hudson, Hurley, Huskey, Jared, Jones, Kent, King (Shelby), King (Washington), Lashlee, McKinney, McNally, Martin, Montgomery, Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Smith, Stallings, Tanner, Turner, Webb, Wheeler, Withers, Wix, Wood, Work, Yelton and Mr. Speaker McWherter—60.

Representatives voting no were: Baker, Brewer, Buck, Chiles, Cobb, Duer, Duncan, Ellis, Gaia, Henry (Roane), Kelley, Lowe, Murphy (Davidson), Percy, Robertson, Robinson (Davidson), Shockley, Small, Spence, Ussery, Wallace, Whitson and Wolfe—23.

Representatives present and not voting were: Covington, Dills, Johnson, Miller, Moore, Shirley and Sterling—7.

Mr. Copeland moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 986 delete from the amendatory language of Senate Amendment No. 4 the words

“of seven percent (7%) or”

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and further delete

“whichever is greater”

Mr. McKinney moved that Amendment No. 2 be tabled, which motion failed by the following vote:

Ayes	38
Noes	55

Representatives voting aye were: Bell (Wilson), Bragg, Burnett, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Disspayne, Frensley, Hillis, Jared, Johnson, Kent, King (Washington), McKinney, McNally, Murphy (Davidson), Murphy (Shelby), Naifeh, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Stallings, Starnes, Webb, Whitson, Wix, Work and Mr. Speaker McWherter—38.

Representatives voting no were: Akard, Baker, Bell (Knox), Bewley, Brewer, Buck, Byrd, Carter, Chiles, Cobb, Copeland, Davis (Pickett), DeBerry, DePriest, Dills, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hudson, Hurley, Huskey, Kelley, Kernell, King (Shelby), Lashlee, Lowe, McAfee, Martin, Miller, Montgomery, Moore, Murray, Owen, Percy, Robertson, Scruggs, Severance, Shockley, Small, Smith, Spence, Sterling, Tanner, Ussery, Wallace, Withers, Wolfe, Wood and Yelton—55.

Mr. Carter moved the previous question on the amendment, which motion failed by the following vote:

Ayes	55
Noes	30
Present and not voting	4

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Buck, Byrd, Carter, Chiles, Clark (Sumner), Cobb, Copeland, Davis (Gibson), DeBerry, DePriest, Dills, Duer, Duncan, Ford, Gaia, Gill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Johnson, Kelley, Kent, Kernell, King (Washington), Lashlee, Lowe, McAfee, Miller, Montgomery, Moore, Murray, Owen, Percy, Richardson, Robinson (Washington), Scruggs, Severance, Shockley, Smith, Spence, Stallings, Wallace, Webb, Whitson, Withers, Wood and Yelton—55.

Representatives voting no were: Bell (Knox), Bragg, Burnett, Clark (Davidson), Covington, Crain, Davidson, Davis (Hamilton), Davis (Pickett), Disspayne, Ellis, Frensley, Jared, McNally, Murphy (Davidson), Murphy (Shelby), Phillips, Pickering, Pruitt, Robertson, Robinson (Davidson), Robinson (Hamilton), Shirley, Starnes, Tanner, Turner, Ussery, Wix, Wolfe and Work—30.

Representatives present and not voting were: Brewer, King (Shelby), Rhinehart and Sterling—4.

Mr. Wallace moved the previous question, which motion prevailed by the following vote:

Ayes	90
Noes	2
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb,

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Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work and Yelton—90.

Representatives voting no were: Kernell and Murphy (Shelby)—2.

Representative present and not voting was: Brewer—1.

Thereupon, on motion, Amendment No. 2 was adopted.

Mr. Spence moved that Senate Bill No. 986 be re-referred to the Committee on Calendar and Rules.

Mr. McKinney moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	71
Noes	17
Present and not voting	1

Representatives voting aye were: Akard, Bell (Knox), Bell (Wilson), Bragg, Buck, Burnett, Carter, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Hamilton), Davis (Pickett), Disspayne, Ellis, Ford, Frensley, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Shockley, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Webb, Wheeler, Whitson, Wix, Work and Yelton—71.

Representatives voting no were: Baker, Bewley, Byrd, Davis (Gibson), DeBerry, Dills, Duer, Duncan, Gaia, Jones, Lowe, Martin, Spence, Wallace, Withers, Wolfe and Wood—17.

Representative present and not voting was: Cobb—1.

Mr. Covington moved the previous question, which motion prevailed by the following vote:

Ayes	86
Noes	4
Present and not voting	3

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Buck, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith,

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Stallings, Starnes, Sterling, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work and Yelton—86.

Representatives voting no were: Gaia, McAfee, Spence and Tanner—4.

Representatives present and not voting were: Bragg, Brewer and Burnett—3.

Thereupon, Senate Bill No. 986, as amended, passed its third and final consideration by the following vote:

Ayes	80
Noes	15
Present and not voting	1

Representatives voting aye were: Akard, Bell (Knox), Bell (Wilson), Bragg, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Hamilton), Davis (Pickett), DePriest, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Starnes, Sterling, Tanner, Turner, Ussery, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work and Yelton—80.

Representatives voting no were: Baker, Bewley, Buck, Byrd, Davis (Gibson), DeBerry, Dills, Gaia, Gill, Kelley, Lowe, Martin, Spence, Stallings and Wallace—15.

Representative present and not voting was: Brewer—1.

A motion to reconsider was tabled.

Mr. Murphy (Shelby) moved that Senate Joint Resolution No. 75 be placed on the Calendar for Thursday, May 21, 1981, which motion prevailed.

On motion, Senate Bill No. 392 was recalled from the Committee on Finance, Ways and Means.

House Bill No. 1179—To amend Title 67, Chapter 17, Code.

On motion, House Bill No. 1179 was made to conform with Senate Bill No.392.

On motion, Senate Bill No. 392, on same subject, was substituted for House Bill no. 1179.

Mr. King (Shelby) moved that Senate Bill No. 392 be passed on third and final consid-eration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, John-son, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson),

Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

A motion to reconsider was tabled.

House Bill No. 1215—To make certain provisions, TN Housing Development Agency.

On motion, House Bill No. 1215 was made to conform with Senate Bill No. 1061.

On motion, Senate Bill No. 1061, on same subject, was substituted for House Bill No. 1215.

Mr. Bragg moved that Senate Bill No. 1061 be passed on third and final consideration.

Mr. Murphy (Davidson) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1061 by adding the following at the end of Section 4:

At least twenty-five percent (25%) of all single or multi-family homes constructed with funds arising from the increase in indebtedness hereby authorized shall be equipped with solar hot water heating systems, unless the use of such systems is certified by the agency to be unfeasible and with a payback period longer than the term of the mortgage issued on such construction.

Mr. Bragg moved that Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes	64
Noes	21
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Kelley, King (Shelby), King (Washington), Lashlee, Lowe, McNally, Miller, Montgomery, Moore, Murray, Naifeh, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Small, Smith, Stallings, Sterling, Tanner, Wallace, Webb, Wheeler, Whitson, Wolfe, Wood and Work—64.

Representatives voting no were: Bell (Knox), Byrd, Carter, Clark (Davidson), Cobb, Covington, Crain, Disspayne, Hudson, Kent, Kernell, McAfee, Martin, Murphy (Davidson), Murphy (Shelby), Owen, Pruitt, Scruggs, Spence, Turner and Yelton—21.

Representative present and not voting was: Wix—1.

Mr. Wallace moved the previous question, which motion failed by the following vote:

Ayes	40
Noes	50
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bragg, Buck,

Burnett, Carter, Chiles, Crain, Davis (Gibson), DePriest, Dills, Duncan, Ellis, Ford, Fren-
sley, Harrill, Henry (Blount), Huskey, Jared, Kelley, Kernell, King (Washington), Lashlee,
Montgomery, Naifeh, Phillips, Rhinehart, Robinson (Davidson), Robinson (Washington),
Severance, Small, Stallings, Tanner, Wallace, Wheeler, Whitson, Wolfe and Work—40.

Representatives voting no were: Bell (Knox), Byrd, Clark (Davidson), Clark (Sumner),
Cobb, Copeland, Covington, Davidson, Davis (Hamilton), DeBerry, Disspayne, Duer,
Gaia, Gill, Henry (Roane), Hillis, Hudson, Hurley, Johnson, Jones, Kent, Love, Lowe,
McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murray, Owen,
Percy, Pruitt, Richardson, Robertson, Robinson (Hamilton), Scruggs, Shirley, Shockley,
Smith, Spence, Sterling, Turner, Ussery, Webb, Withers, Wix, Wood and Yelton—50.

Representatives present and not voting were: Brewer and King (Shelby)—2.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 1061 by deleting from Section 2, Subsection (d) the following
language:

The agency will allocate no monies raised through the sale of bonds to any
jurisdiction which has been allocated the right to sell bonds locally by the agency.

However, any such local jurisdiction which returns its allocation or any portion
thereof to the agency during that calendar year; provided, that such return of
allocation is made prior to closing of the reservation of funds period on said
subsequent issue. In the event that the agency is undersubscribed on any bond sale
or is unable to place proceeds from a sale, the agency may allow such funds to be
used to make loans in jurisdictions which have sold or are going to sell locally.

Mr. Bragg moved that Amendment No. 2 be tabled, which motion failed by the follow-
ing vote:

Ayes	37
Noes	54

Representatives voting aye were: Baker, Bragg, Brewer, Buck, Burnett, Copeland,
Crain, Davidson, Davis (Gibson), Davis (Pickett), DePriest, Dills, Duncan, Ellis, Fren-
sley, Henry (Roane), Hillis, Jared, Johnson, Kelley, King (Shelby), Lashlee, Montgomery,
Murphy (Shelby), Phillips, Rhinehart, Richardson, Robinson (Hamilton), Robinson
(Washington), Stallings, Wallace, Wheeler, Whitson, Wolfe, Wood, Work and Yelton—37.

Representatives voting no were: Akard, Bell (Knox), Bell (Wilson), Bewley, Byrd,
Clark (Davidson), Clark (Sumner), Cobb, Covington, Davis (Hamilton), DeBerry, Dis-
spayne, Duer, Ford, Gaia, Gill, Harrill, Henry (Blount), Hudson, Hurley, Huskey, Jones,
Kent, Kernell, King (Washington), Love, Lowe, McKinney, McNally, Martin, Miller,
Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Pruitt, Robertson, Robinson
(Davidson), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Sterling,
Tanner, Turner, Ussery, Webb, Withers and Wix—54.

Mr. Bragg moved that Senate Bill No. 1061 be placed on the Calendar for Thursday,
May 21, 1981, which motion prevailed.

Mr. Henry (Blount) moved that House Bill No. 778 be re-referred to the Committee on
Finance, Ways and Means, which motion prevailed by the following vote:

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Ayes	90
Noes	4

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Small, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—90.

Representatives voting no were: Henry (Roane), Moore, Scruggs and Ussery—4.

Mr. Henry (Blount) moved that House Bill No. 779 be re-referred to the Committee on Finance, Ways and Means, which motion prevailed by the following vote:

Ayes	89
Noes	3
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—89.

Representatives voting no were: Henry (Roane), Moore and Ussery—3.

Representative present and not voting was: Withers—1.

House Bill No. 267—To appropriate funds Institute of African Affairs.

Mr. Withers moved that House Bill No. 267 be passed on third and final consideration.

Mr. Burnett moved the previous question which motion prevailed by the following vote:

Ayes	67
Noes	15
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kernell, King (Shelby), Lashlee, Love, Lowe, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shockley, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Webb, Wheeler, Whitson, Withers, Wix, Work and Yelton—67.

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Representatives voting no were: Bell (Knox), Bewley, Chiles, Clark (Sumner), Duer, Frensley, Harrill, Henry (Roane), Hudson, King (Washington), Martin, Robertson, Robinson (Washington), Smith and Wood—15.

Representatives present and not voting were: Wallace and Wolfe—2.

Thereupon, House Bill No. 267, passed its third and final consideration by the following vote:

Ayes	82
Noes	10
Present and not voting	1

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shockley, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—82.

Representatives voting no were: Baker, Bell (Knox), Chiles, Duer, Frensley, Harrill, Henry (Roane), Martin, Smith and Wood—10.

Representative present and not voting was: Spence—1.

- A motion to reconsider was tabled.

Mr. Withers moved that House Bill No. 916 be placed on the Calendar for Thursday, May 21, 1981, which motion prevailed.

House Bill No. 492—To appropriate certain funds, department of correction.

On motion, House Bill No. 492 was made to conform with Senate Bill No. 151.

On motion, Senate Bill No. 151, on same subject, was substituted for House Bill No. 492.

Ms. DeBerry moved that Senate Bill No. 151 be placed on the Calendar behind the Appropriations Bill, which motion prevailed.

House Bill No. 279—To provide specific fees, Court Clerk.

On motion, House Bill No. 279 was made to conform with Senate Bill No. 381.

On motion, Senate Bill No. 381, on same subject, was substituted for House Bill No. 279.

Mr. Davis (Hamilton) moved that Senate Bill No. 381 be passed on third and final consideration.

Mr. Murphy (Shelby) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 381 by adding the following new subsection to the amendatory language of Section 1:

() No clerk shall be permitted to collect any fee authorized by this section who does not permit any person the opportunity to institute a cause of action by means of a pauper's oath. In determining whether a person is entitled to institute an action by pauper's oath, such person's ownership of real or personal property shall not be a determinative factor in denying such oath.

On motion, the amendment was adopted.

On motion of Mr. Murphy (Shelby), the House reconsidered its action in adopting Amendment No. 1.

On motion of Mr. Murphy (Shelby), the amendment was withdrawn.

Mr. Murphy (Shelby) moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 381 by adding the following new subsection to the amendatory language of Section 1:

() No clerk shall be permitted to collect any fee authorized by this section who does not permit any person the opportunity to institute a cause of action by means of a pauper's oath. In determining whether a person is entitled to institute an action by pauper's oath, such person's mere ownership of real property shall not be the sole determinative factor in denying such oath unless the clerk finds that the person has substantial equity in such property.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 381, as amended, passed its third and final consideration by the following vote:

Ayes	81
Noes	10
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Davidson, Davis (Gibson), Davis (Hamilton), DePriest, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Webb, Wheeler, Whitson, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—81.

Representatives voting no were: Buck, Crain, Davis (Pickett), DeBerry, Dills, Hudson, Lowe, Miller, Spence and Wix—10.

Representative present and not voting was: Wallace—1.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF SENATE BILL NO. 769

Senate Bill No. 769—To amend Section 57-4-102, Code.

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Mr. Murphy (Davidson) moved that Senate Bill No. 769 be passed on third and final consideration.

Mr. Murphy (Davidson) moved to amend as follows:

AMENDMENT NO. 6

Amend Senate Bill No. 769 by deleting from Section 2 the words and figures “or of not less than 119,000 nor more than 172,000”.

On motion, the amendment was adopted.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 7

Amend Senate Bill No. 769 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section—. The provisions of this act shall only apply in any county having a population in excess of 400,000 according to the 1970 federal census of population or any subsequent federal census of population.

On motion, the amendment was adopted.

Mr. Robinson (Davidson) moved the previous question, which motion prevailed by the following vote:

Ayes	66
Noes	19

Representatives voting aye were: Akard, Bewley, Bragg, Buck, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Disspayne, Frensley, Henry (Blount), Henry (Roane), Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers and Wood—66.

Representatives voting no were: Baker, Bell (Knox), Bell (Wilson), Dills, Duer, Duncan, Ford, Gaia, Harrill, Hillis, Richardson, Scruggs, Shockley, Small, Turner, Wix, Wolfe, Work and Yelton—19.

Thereupon, Senate Bill No. 769, as amended, passed its third and final consideration by the following vote:

Ayes	61
Noes	34
Present and not voting	1

Representatives voting aye were: Akard, Bell (Knox), Bewley, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Disspayne, Ellis, Frensley, Gill, Hudson, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson

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(Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Smith, Spence, Starnes, Sterling, Tanner, Ussery, Webb, Wheeler, Withers, and Mr. Speaker McWherter—61.

Representatives voting no were: Baker, Bell (Wilson), Bragg, Copeland, Davidson, Davis (Pickett), Dills, Duer, Duncan, Ford, Gaia, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Kelley, McAfee, McKinney, Percy, Richardson, Robertson, Shockley, Small, Stallings, Turner, Whitson, Wix, Wolfe, Wood, Work and Yelton—34.

Representative present and not voting was: Wallace—1.

A motion to reconsider was tabled.

On motion of Mr. Ford, House Bill No. 1088 was withdrawn from the House.

House Bill No. 167—To authorize bond issue, bridge at Cockrill Bend.

Mr. McKinney moved that House Bill No. 167 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 167 by inserting the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section—. No funds shall be obligated under the authority of this act until such time as the general assembly has appropriated sufficient funds to pay the first year's obligation of principal and interest on the amount of bonds to be issued and the state funding board has determined that such funds are available.

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 167 by inserting in Section 1 the words and figures "but not to exceed ten million dollars (\$10,000,000)" between the words "sum sufficient" and "to acquire".

AND FURTHER AMEND by adding the following section immediately before the last section and renumbering the subsequent section accordingly:

Section—. There is hereby appropriated from available funds derived from the settlement of highway construction bid-rigging cases a sum sufficient to pay the first year's obligation of principal and interest on the amount of bonds or bond anticipation notes issued pursuant to the provision of this act.

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 167 by adding to the language of the new section added by Amendment No. 2 the following:

This appropriation shall be subject to the approval of the commissioner of the department of transportation.

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On motion, the amendment was adopted.

Thereupon, House Bill No. 167, as amended, passed its third and final consideration by the following vote:

Ayes	91
Noes	2
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—91.

Representatives voting no were: Duer and Robertson—2.

Representatives present and not voting were: Buck and Crain—2.

A motion to reconsider was tabled.

Senate Bill No. 368—To amend Title 62, Chapter 7, Code.

Mr. Turner moved that Senate Bill No. 368 be passed on third and final consideration.

Mr. Copeland moved that the rules be suspended in order that Senate Bill No. 368 will be properly before the House.

Mr. Owen moved the previous question, on the motion, which motion prevailed by the following vote:

Ayes	74
Noes	13
Present and not voting	3

Representatives voting aye were: Akard, Baker, Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Copeland, Covington, Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, McAfee, McKinney, McNally, Martin, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Phillips, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Sterling, Tanner, Turner, Wallace, Webb, Whitson, Withers, Wix, Wolfe, Wood, Work and Yelton—74.

Representatives voting no were: Bell (Knox), Bell (Wilson), Clark (Sumner), Davidson, Frensley, Harrill, Huskey, Lowe, Miller, Owen, Percy, Pruitt and Ussery—13.

Representatives present and not voting were: Jared, Rhinehart and Wheeler—3.

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Thereupon, the motion to suspend the rules failed by the following vote:

Ayes	47
Noes	39
Present and not voting	7

Representatives voting aye were: Akard, Baker, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davis (Gibson), Davis (Hamilton), DeBerry, Dills, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Hudson, Huskey, Kelley, Kent, Kernell, King (Shelby), Lowe, Martin, Moore, Murphy (Shelby), Percy, Phillips, Robinson (Davidson), Robinson (Hamilton), Shirley, Small, Smith, Spence, Turner, Wallace, Wheeler, Withers, Wix, Wolfe, Yelton and Mr. Speaker McWherter—47.

Representatives voting no were: Bell (Knox), Bell (Wilson), Bewley, Bragg, Buck, Burnett, Davidson, Davis (Pickett), DePriest, Duer, Frensley, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Johnson, King (Washington), Lashlee, McAfee, McKinney, McNally, Miller, Montgomery, Murray, Naifeh, Owen, Pruitt, Richardson, Robinson (Washington), Scruggs, Severance, Shockley, Stallings, Tanner, Usery, Webb, Whitson and Wood—39.

Representatives present and not voting were: Jared, Murphy (Davidson), Rhinehart, Robertson, Starnes, Sterling and Work—7.

Under the rules, Senate Bill No. 368 was re-referred to the Committee on Judiciary.

House Bill No. 1338—To create Shelby County Agri-Center Commission.

On motion, House Bill No. 1338 was made to conform with Senate Bill No. 1340.

On motion, Senate Bill No. 1340, on same subject, was substituted for House Bill No. 1338.

Mr. Byrd moved that Senate Bill No. 1340 be passed on third and final consideration.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1340 by adding a new section which shall read as follows:

“If they receive any money from state it shall be subject to audit of State Comptroller of Treasury”

and renumbering following sections

On motion, the amendment was adopted.

Mr. Kernell moved the previous question, which motion prevailed by the following vote:

Ayes	86
Noes	3
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent,

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Kernell, King (Shelby), King (Washington), Lashlee, Lowe, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Shockley, Small, Smith, Stallings, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work and Yelton—86.

Representatives voting no were: DeBerry, Scruggs and Spence—3.

Representative present and not voting was: Brewer—1.

Thereupon, Senate Bill No. 1340, as amended, passed its third and final consideration by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

A motion to reconsider was tabled.

Mr. Lashlee moved that the rules be suspended for the purpose of introducing House Resolution No. 60 out of order, which motion prevailed.

House Resolution No. 60—Relative to honoring Camden High School marching band—By Lashlee.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Lashlee, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Duncan moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 243 out of order, which motion prevailed.

House Joint Resolution No. 243—Relative to honoring Mike Rhodes—By Duncan.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Duncan, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Duncan moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 242 out of order, which motion prevailed.

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House Joint Resolution No. 242—Relative to honoring Dolph and Jessie Denton—By Duncan.

On motion, the rules were suspended for the immediate consideration of the resolution.

Mr. Duncan moved that House Joint Resolution No. 242 be adopted, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

A motion to reconsider was tabled.

Mr. Miller moved that the rules be suspended for the purpose of introducing House Resolution No. 63 out of order, which motion prevailed.

House Resolution No. 63—Relative to commending Joyce Carol Jennings—By Miller, Scruggs, Smith, Owen and Severance.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Miller, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Miller moved that the rules be suspended for the purpose of introducing House Resolution No. 64 out of order, which motion prevailed.

House Resolution No. 64—Relative to commending Dixie Aubrey—By Miller, Scruggs, Smith, Owen and Severance.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Miller, the resolution was adopted.

A motion to reconsider was tabled.

SECOND ROLL CALL

The roll call was taken with the following results:

Present	97
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Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner),

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Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 227—Relative to honoring Ted Wilson—By Henry (Blount).

The Speaker referred House Joint Resolution No. 227 to the Committee on Calendar and Rules.

House Joint Resolution No. 228—Relative to honoring John Newman—By Henry (Blount).

The Speaker referred House Joint Resolution No. 228 to the Committee on Calendar and Rules.

House Joint Resolution No. 229—Relative to honoring Hal Miller—By Percy.

The Speaker referred House Joint Resolution No. 229 to the Committee on Calendar and Rules.

House Resolution No. 62—Relative to naming proposed highway—By Naifeh.

The Speaker referred House Resolution No. 62 to the Committee on Calendar and Rules.

House Joint Resolution No. 237—Relative to urging review, inmate work release program—By Kent.

The Speaker referred House Joint Resolution No. 237 to the Committee on Calendar and Rules.

House Joint Resolution No. 238—Relative to directing study, inmate work release program—By Kent.

The Speaker referred House Joint Resolution No. 238 to the Committee on Calendar and Rules.

INTRODUCTION OF BILLS

House Bill No. 1367—To amend Title 2, Code—By Wallace.

Passed first consideration.

House Bill No. 1374—To amend Chapter 896, Public Acts, 1978—By Scruggs.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 811—To amend Title 26, Chapter 2, Code.

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Passed first consideration.

Senate Bill No. 910—To amend Section 67-602, Code.

Passed first consideration.

Senate Bill No. 1044—To amend Title 29, Chapter 20, Code.

Passed first consideration.

Senate Bill No. 1124—To regulate police authority, certain towns.

Passed first consideration.

SENATE BILL ON SECOND CONSIDERATION

Senate Bill No. 786—To regulate compensation, juvenile court judge, Hamilton County.

Passed second consideration and held without reference.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1344—To create the Tennessee Public Power Agency.

Passed second consideration and referred to Committee on Government Operations for review only.

After review, bill will be referred to Committee on Conservation and Environment.

House Bill No. 1346—To provide for use of certain property owned by certain municipalities.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1347—To amend Charter, Town of Bluff City.

Passed second consideration and held without reference.

House Bill No. 1348—To amend Chapter 153 Private Acts of 1917.

Passed second consideration and held without reference.

House Bill No. 1349—To amend Chapter 62, Private Acts, 1981.

Passed second consideration and held without reference.

House Bill No. 1350—To make certain provisions, health insurance claims.

Passed second consideration and referred to Committee on Commerce.

House Bill No. 1351—To amend Section 67-3047, Code.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1352—To set jurisdiction, circuit courts, tenth judicial circuit.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 1353—To amend Section 67-2908, Code.

Passed second consideration and referred to Committee on Finance, Ways and Means.

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House Bill No. 1354—To provide minimum compensation of county clerk, certain counties.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1355—To amend Charter, Manchester.

Passed second consideration and held without reference.

House Bill No. 1356—To amend Chapter 142, Private Acts of 1953.

Passed second consideration and held without reference.

House Bill No. 1357—To amend Charter, Camden.

Passed second consideration and held without reference.

House Bill No. 1358—To amend Chapter 153, Private Acts of 1917.

Passed second consideration and held without reference.

House Bill No. 1359—To specify boundaries, Bradford Special School District.

Passed second consideration and held without reference.

House Bill No. 1360—To adjust salary, general session court clerk, Cocke County.

Passed second consideration and held without reference.

House Bill No. 1361—To amend Chapter 46, Private Acts of 1951.

Passed second consideration and held without reference.

House Bill No. 1362—To amend Chapter 329 of Private Acts of 1970.

Passed second consideration and held without reference.

House Bill No. 1363—To amend Section 67-1105, Code.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1364—To provide for collection property taxes, Rutherford County.

Passed second consideration and held without reference.

House Bill No. 1365—To amend Chapter 557, Private Acts of 1939.

Passed second consideration and held without reference.

House Bill No. 1366—To amend Chapter 292, Private Acts of 1957.

Passed second consideration and held without reference.

House Bill No. 1368—To amend Chapter 124, Private Acts of 1963.

Passed second consideration and held without reference.

House Bill No. 1369—To amend Chapter 144, Private Acts of 1975.

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Passed second consideration and held without reference.

House Bill No. 1370—To modify dates for increase, coal severance tax.

Passed second consideration and referred to Committee on Conservation and Environment.

House Bill No. 1371—To amend Charter, City of Dayton.

Passed second consideration and held without reference.

House Bill No. 1373—To provide for certain jurisdiction of Juvenile Court, Obion County.

Passed second consideration and held without reference.

House Bill No. 1375—To authorize amusement tax, certain counties.

Passed second consideration and held without reference.

House Bill No. 1376—To levy tax on prepared foods, certain counties.

Passed second consideration and held without reference.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

603—To amend Section 39-4541, Code; substituted for Senate Bill on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.

135—Relative to study, industrial development bonds;

141—Relative to honoring Cleveland/Bradley Chamber of Commerce;

142—Relative to memory, Frank T. Manly; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Without objection, Senate Joint Resolutions Nos. 141 and 142 were referred to the Committee on Calendar and Rules.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.

1101—To amend Tennessee Real Estate Broker License Act;

1359—To regulate election, mayor and councilmen, Bolivar; both passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

1086—To amend Section 55-6-104, Code; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

1073—To establish the Industrial Development Loan Program.

The Senate lifted tabling motion, reconsidered passage of the bill, reconsidered adoption of Senate Amendment No. 3, withdrew Senate Amendment No. 3, adopted Senate Amendment No. 4, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

391—To protect members of professional societies from liability.

The Speaker appointed a Conference Committee composed of Senators Henry, Burleson and Crouch to confer with a like Committee from the House in resolving the differences of the two bodies on House Bill No. 391.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.

753—To amend Section 47-9-107, Code.

The Senate refused to recede from its action in nonconcurring in House Amendment No. 1.

The Speaker appointed a Conference Committee composed of Senators Albright, Rucker and Davis (Tipton) to confer with a like Committee from the House in resolving the differences of the two bodies on Senate Bill No. 753.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.

191—To amend Title 6, Chapter 51, Code.

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The Senate refused to recede from its action in nonconcurring in House Amendments Nos. 1, 2, 3, 7, 8, 9, 11, 12, 13 and 14.

The Speaker appointed a Conference Committee composed of Senators Ashe, Moore and Darnell to confer with a like Committee from the House in resolving the differences of the two bodies on Senate Bill No. 191.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.

420—To amend certain regulations, Department of Safety.

The Senate refused to recede from its action in nonconcurring in House Amendment No. 1.

The Speaker appointed a Conference Committee composed of Senators Cutrer, Albright and Moore to confer with a like Committee from the House in resolving the differences of the two bodies on Senate Bill No. 420.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.

95—To amend Section 5-8-102, Code.

The Senate refused to recede from its action in nonconcurring in House Amendments Nos. 1, 6, 7, 8, 9 and 13.

The Speaker appointed a Conference Committee composed of Senators Rucker, Crow and Darnell to confer with a like Committee from the House in resolving the differences of the two bodies on Senate Bill No. 95.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

963—To amend Section 8-23-204, Code.

The Speaker appointed a Conference Committee composed of Senators O'Brien, Hooper and White to confer with a like Committee from the House in resolving the differences of the two bodies on House Bill No. 963.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

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71—To amend Section 69-101, 69-102 and 69-103, Code.

The Speaker appointed a Conference Committee composed of Senators White, Blank and Hooper to confer with a like Committee from the House in resolving the differences of the two bodies on House Bill No. 71.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

STANDING COMMITTEE REPORTS

CONSERVATION AND ENVIRONMENT

MR. SPEAKER: Your Committee on Conservation and Environment begs leave to report that we have carefully considered and recommend for passage: House Bill No. 1370.

JOHNSON, *Secretary.*

Under the rules, House Bill No. 1370 was transmitted to the Committee on Calendar and Rules.

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bill No. 419 (with amendment).

BRAGG, *Chairman.*

Under the rules, House Bill No. 419 was transmitted to the Committee on Calendar and Rules.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 154, 440, 442 (with amendment) and 1175.

MURPHY (Shelby), *Chairman.*

Under the rules, House Bills Nos. 154, 440, 442 and 1175 were transmitted to the Committee on Calendar and Rules.

NOTICE PURSUANT TO RULE NO. 57

Pursuant to Rule No. 57, sponsors gave notice of their intentions to consider the following measures from the Senate on Thursday, May 21, 1981:

House Bill No. 12—Dispayne

House Bill No. 219—Kernell

House Bill No. 557—Jared

House Bill No. 981—Kent

House Bill No. 1036—Miller

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House Bill No. 1086—Ford

House Bill No. 1113—Miller

Senate Bill No. 75—Clark (Davidson)

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 989, 990, 1347, 1348, 1349, 1355, 1356, 1357, 1358, 1359, 1360, 1362, 1364, 1365, 1366, 1368, 1369, 1371 and 1373.

SPONSOR ADDED

Without objection, the rules were suspended to allow the following member to add his name as sponsor to the resolutions as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolutions Nos. 236, 237, 238—Baker.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 167, 267, 867, 983 and 1345; and House Joint Resolutions Nos. 235, 241, 242 and 243; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

On motion of the sponsors, the pre-file rule was suspended to allow House Bills Nos. 1377, 1378, 1381, 1382, 1383 and 1385 to pass on first consideration today.

INTRODUCTION OF BILLS

House Bill No. 1377—To amend Chapter 55, Private Acts of 1951—By Bragg, Buck and Phillips.

Passed first consideration.

House Bill No. 1378—To repeal Chapter 120, Private Acts of 1981—By Lashlee and Mr. Speaker McWherter.

Passed first consideration.

House Bill No. 1381—To provide selection of juries Gibson County—By Davis (Gibson), Dills and Tanner.

Passed first consideration.

House Bill No. 1382—To amend Section 45-3-601, Code—By Tanner.

Passed first consideration.

House Bill No. 1383—To amend Charter Town of Oneida—By Davis (Pickett).

Passed first consideration.

WEDNESDAY, MAY 20, 1981—50th LEGISLATIVE DAY

House Bill No. 1385—To amend Charter Town of Gibson—By Davis (Gibson), Dill and Tanner.

Passed first consideration.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Consent Calendar for Thursday, May 21, 1981: Senate Joint Resolutions Nos. 141 and 142, House Resolution No. 59, House Joint Resolutions Nos. 225, 227, 228, 229, House Bills Nos. 989, 990, 1347, 1348, 1349, 1355, 1356, 1357, 1358, 1359, 1360, 1362, 1364, 1366, 1368, 1369, 1371 and 1373.

GILL, *Chairman.*

On motion of Mr. Burnett, the House adjourned until 2:00 p.m. tomorrow.